IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 752 OF 2006
IN
WRIT PETITION NO. 2103 OF 2006

1. Abdul Rashid Abdul Rehman
Yusuf and another .. Appellants.

V/s.

1. The State of Maharashtra & 44 Ors. .. Respondents.

Mr.S.H.Doctor with Mr.Ranjit Shetty i/by S.P. Nagvenkar for the Appellants.

Mr. A.K.Abhyankar with Mr. A.A.Joshi & Sanjay Jain for the Respondent No.5.

Mr. Pradeep Jadhav, Assistant Government Pleader for the Respondent Nos. 1 to 4 and 10.

Mr. D.H.Mehta with Ms. Deepa Chavan and Mr.P.C.Kansara for the Respondent No.6.

Mr.Vinod Mahadik for the Respondent No.8.

Mr.V.A.Thorat with Mr. Vaibhav Sugdhare & Mr.A.R.Pande for the Respondents Nos. 11 to 44.

Mr. Milind Sathe i/by V.M.Bharadwaj for the Applicant in Chamber summons No. 257 of 2006

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 17TH OCTOBER, 2006.

P.C.:

. We heard the senior counsel and the counsel for the parties.

2. In our considered opinion, the impugned order, dismissing the writ petition No. 2103 of 2006 in limine can not be sustained. It is because, the writ petition No. 1577 of 2006, challenging the same order dated 29th of May, 2006 (impugned in the present petition) passed by the Deputy Director of Land Records, has already been admitted. The impugned order, if allowed to stand, is likely to result in inconsistent orders. Ought we know the learned single Judge in writ petition No. 1577 of 2006 may not be persuaded by the objection of maintainability of the writ petition on the ground of availability of alternative remedy. Though the learned single Judge has noticed the admission of the writ petition No. 1577 of 2006, yet for the reasons setout in the impugned order, he thought that the admission of the writ petition No.1577 of 2006, does not justify the admission of the writ petition in question, which in our view is not proper.

3. We, accordingly, set aside the order dated October 4, 2006 and restore the writ petition No. 2103 of 2006 for fresh consideration and hearing alongwith the writ petition No. 1577 of 2006. Chamber summons No.257 of 2006 shall stand restored and be heard and

disposed of by the learned single Judge.

4. All contentions of the parties are kept open to be considered by the learned single Judge.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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